

# **Legislative Update: January-July 2002**

## **Motor Vehicle Code/Commercial Vehicle Violations:**

### **TRUCK AXLES**

**MCL 257.719** Amends the Michigan Vehicle Code to specify the number of axles allowed on 53-foot semi-trailers, increasing that number from two to three, after March 31, 2003. **Effective: March 25, 2002**

### **DRIVER'S LICENSE FORGERY**

**MCL 257.310** Increases penalties for reproducing, altering, counterfeiting, forging or duplicating a driver's license photograph. **Effective: April 22, 2002**

### **CONSTRUCTION ZONE SPEEDING**

**MCL 257.320a** Increases number of points added to driving record for violation of speed limit in construction zone. **Effective: July 1, 2002**

### **BOMB THREAT PENALTIES**

**MCL 257.303, 257.310e, 257.319, and 257.732** Prohibits obtaining a driver's license until 21 years of age for making false bomb threats. **Effective: October 1, 2002**

### **VEHICLE EQUIPMENT REQUIREMENTS**

**MCL 257.712 and 257.713** Deletes provisions relating to requirements for carrying certain equipment for vehicles weighing in excess of 10,000 pounds that have been preempted by federal statutes. **Effective: May 9, 2002**

### **SEGWAY AUTHORIZATION**

**MCL 257.13c & 257.655a** Allows an individual to operate an "electric personal assistive mobility device" on a sidewalk or any other public area open to pedestrian traffic, defines the "electric personal assistive mobility device," and allows counties and municipalities to regulate the use of the device on their sidewalks, roadways, and crosswalks. **Effective: July 3, 2002**

## **Crimes Against Persons:**

### **CHILD ABUSE REPORTING**

**MCL 722.623** Includes in Child Protection Law physicians' assistants among those persons who are required to report suspected child abuse or neglect. **Effective: February 14, 2002**

### **PROSTITUTION OFFENSES**

**MCL 750.448-451** Revises several prostitution-related provisions to lower the age threshold to 16 for which prostitution would be a crime, increase the penalty for first offense prostitution violations, increase penalties for soliciting a child to engage in immoral or sexual acts, and include a conviction for a prostitution-related violation of a

local ordinance or another state's law or local ordinance when determining if a violation is a second or subsequent offense. **Effective: June 1, 2002**

### **POLICE ASSAULTS**

**MCL 750.81d** Increases the penalty for assaulting or battering a peace officer to a felony without the requirement that the officer seek medical attention. Penalties are increased if injury is suffered by the officer. **Effective: July 15, 2002**

### **ASSAULTS ON OFFICIALS OTHER THAN PEACE OFFICERS**

**MCL 750.479, 750.479a** Prohibits obstructing, resisting, opposing, or assaulting certain officials in the performance of their duties and increases the penalty to a felony and deletes the current misdemeanor penalty for assaulting or committing bodily injury upon a peace officer. **Effective: May 9, 2002**

## **Criminal Procedure:**

### **SEARCH WARRANTS**

**MCL 780.651, 780.654, 780.655** Revises procedures for search warrant affidavits. Please see Official Correspondence dated June 17, 2002, for department policy regarding this statutory change. **Effective: April 22, 2002**

### **CRIMINAL JURISDICTION**

**MCL 762.2** Allows a person to be prosecuted for a criminal offense that he or she committed while physically located in or outside of Michigan. **Effective: April 22, 2002**

### **CRIMINAL INSANITY**

**MCL 768.36** Revises "guilty but mentally ill" provisions to conform with the insanity statute. **Effective: May 1, 2002**

### **DRUNKEN DEFENSE**

**MCL 768.37** Bars defense of crime based on influence of voluntarily consumed or ingested alcohol or controlled substance. **Effective: September 1, 2002**

## **Miscellaneous Laws:**

### **GUN TRANSPORT**

**MCL 750.231a** Clarifies firearm transportation requirements. Please see Official Correspondence of April 4, 2002, for summary of the new law. **Effective: March 26, 2002**

### **SHOPLIFTING SHIELDS**

**MCL 750.360a** Prohibits manufacture, distribution, or possession of a device to shield shoplifted merchandise from detection or tool designed to deactivate or remove a theft detection device. **Effective: July 1, 2002**

### **STATE POLICE POLITICKING**

**MCL 28.10** Eliminates provision banning State Police employees from participating in political campaigns while off-duty. Please note that Civil Service Rules as well as Official Order 1 still apply. **Effective: May 23, 2002**

### **FINGERPRINT FEES**

**MCL 28.273** Increases state fee for processing fingerprints from \$15 to \$30.  
**Effective: June 21, 2002**

### **CRIMINAL APPEALS FEES**

**MCL 780.621** Increases fee for application to set aside criminal convictions from \$25 to \$50. **Effective: October 1, 2002**

### **PRIVATE SECURITY GUARD ACT REVISIONS**

**MCL 338.1051-1085** Revises the Private Security Business and Security Alarm Act by increasing training procedures and regulations for private security guards.  
**Effective: October 1, 2002**

### **PRIVATE DETECTIVE ACT REVISIONS**

**MCL 338.821-851** Revises the Private Detective Licensing Act.  
**Effective: October 1, 2002**

## **ANTI-TERRORISM LEGISLATION:**

### **ANTI-TERRORISM ACT**

**MCL 750.543a** Enacts Michigan Anti-Terrorism Act. **Effective: April 22, 2002**

### **F.O.I.A. EXEMPTIONS**

**MCL 15.243** Exempts information systems for transportation, power, gas, telecommunications, water, and other critical services from Freedom of Information Act.  
**Effective: May 1, 2002**

### **TERRORISM: GRAND JURY INFORMATION**

**MCL 767.19f** Exempts police communications in terrorism cases from grand jury information protection. **Effective: May 1, 2002**

### **TERRORISM: PUBLIC BUILDING TARGETING**

**MCL 750.543r** Provides penalties for targeting a public building with intent to terrorize or threaten. **Effective: April 22, 2002**

### **TERRORISM: VULNERABLE TARGETS**

**MCL 750.212a** Expands definition of vulnerable target in explosives chapter of Penal Code to include stadiums, critical transportation infrastructures, and public service providers. **Effective: April 1, 2002**

### **TERRORISM: INTERNET OFFENSES**

**MCL 750.543p** Provides penalties for use of the Internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations. **Effective: April 1, 2002**

### **TERRORISM: STATUTE OF LIMITATIONS**

**MCL 767.24** Eliminates statute of limitations for terrorist crimes.  
**Effective: April 1, 2002**

### **TERRORISM: RESTITUTION**

**MCL 769.1f** Requires restitution to all governmental entities for terrorist activities.  
**Effective: April 22, 2002**

### **MILITARY REEMPLOYMENT PROTECTION**

**MCL 32.273** Clarifies military leaves and reemployment protection for members of the military called to active service. **Effective: April 1, 2002**

### **TERRORISM: RACKETEERING**

**MCL 750.159g** Includes terrorism as predicate offense for racketeering violation.  
**Effective: April 22, 2002**

### **TERRORISM: HOSPITAL BIOHAZARD PLAN**

**MCL 333.21513** Requires hospitals to establish a biohazard detection and handling plan. **Effective: April 1, 2002**

### **TERRORISM: EMERGENCY MANAGEMENT**

**MCL 30.401-30.421** Revises powers and duties in Emergency Management Act.  
**Effective: May 1, 2002**

### **TERRORISM: MILITARY RESPONSE**

**MCL 32.505, 32.579, 32.710** Authorizes procedure for granting immunity to military personnel ordered to respond to acts or threats of terrorism and restricts access to real property used for military purposes and clarifies plans for defense of state.  
**Effective: May 1, 2002**

### **TERRORISM: FAKE BOMBS**

**MCL 750.204a** Prohibits possession of an imitation explosive with intent to frighten, intimidate, threaten, harass, or annoy and requires restitution.  
**Effective: April 22, 2002**

### **TERRORISM: FOOD/WATER POISONING**

**MCL 750.436** Increases penalties for knowingly placing a harmful substance in food or water supply and requires restitution. **Effective: April 22, 2002**

**TERRORISM: MONEY LAUNDERING**

**MCL 750.411j** Includes terrorism in definition of "specified criminal offense" for money laundering. **Effective: April 22, 2002**

**TERRORISM: VICTIM COMPENSATION**

**MCL 750.543h** Provides for compensation to victims and payment of expenses for government response for terrorism-related offenses. **Effective: April 1, 2002**

**TERRORISM: PROPERTY FORFEITURE**

**MCL 600.4701, 600.4702** Provides for seizure and forfeiture of property used in connection with a terrorism-related offense. **Effective: May 1, 2002**

**TERRORISM: FUNDS SEIZURE FROM FINANCIAL INSTITUTIONS**

**MCL 487.14406, 490.16c, 491.1135, 487.3514** Requires banks, credit unions, savings and loans, and savings banks to file with the Department of State Police, within 24 hours, a copy of a transaction report that the financial institutions were required to file under Sections 5313 to 5318 of Title 31 of the United States Code.  
**Effective: May 1, 2002**

**TERRORISM: PILOT BACKGROUND CHECKS**

**MCL 259.85a** Requires criminal background checks on flight school applicants.  
**Effective: May 22, 2002**

**TERRORISM: STUDENT PILOTS**

**MCL 259.85** Requires criminal background checks on flight school applicants and enrollment refusals for those with certain crimes in the last seven years.  
**Effective: May 1, 2002**

**TERRORISM: TRUCKER BACKGROUND CHECKS**

**MCL 257.307, 257.312f, etc** Requires criminal background checks on commercial driver's license applicants requesting a hazardous materials endorsement.  
**Effective: May 1, 2002**

**TERRORISM: HAZMAT TRANSPORT**

**MCL 480.17c** Increases penalties for transportation of hazardous materials without a hazardous materials endorsement. **Effective: May 1, 2002**